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the enfranchisement of the negroes, there were two other conceivable ways of reconstructing the rebellious "states" and of guaranteeing civil liberty to the freedmen. "The one was to establish territorial civil governments in the late rebellious region and maintain them there until the civil relations between the two races became settled and fixed. The other was so to amend the Constitution of the United States, before the readmission of the 'states' which had renounced the 'state' form of local government under the Union, as to give Congress and the national judiciary the power to define and defend the fundamental principles of civil liberty."

The author's summary view is, perhaps, best presented in the last paragraph of chapter XXX, where he says: "Slavery was a great wrong, and secession was an error and a terrible blunder, but reconstruction was a punishment so far in excess of the crime, that it extinguished every sense of culpability upon the part of those whom it was sought to convict and convert. More than a quarter of a century has now passed since the blunder-crime of reconstruction played its baleful part in alienating the two sections of the country. Until four years ago little progress had been made in reconciling them. It is said now that the recent war with Spain, in which men from the North and men from the South marched under the same banner to battle and to victory, has buried the hatchet forever between them. But they had done this many times before, and yet it did not prevent the attempt to destroy the Union. It cannot be in this alone that the South feels increased security against the doctrines and the policies and interferences of the Republican party with regard to the negro question, the great question which has made and kept the South solidly Democratic. It is something far more significant and substantial than this. It is to some the pleasing, though to others startling, fact that the Republican party, in its work of imposing the sovereignty of the United States upon eight millions of Asiatics, has changed its views in regard to the political relation of races, and has at last virtually accepted the ideas of the South upon that subject. The white men of the South need now have no further fear that the Republican party, or Republican administrations, will ever again give themselves over to the vain imagination of the political equality of man. It is this change of mind and heart on the part of the North in regard to this vital question of Southern 'state' policy which has caused the now much-talked-of reconciliation."

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*The Treaty-making Power of the United States.* By CHARLES HENRY BUTLER. Pp. cii, 786. 2 vols. Price, \$12.00. New York: Banks Law Publishing Company, 1902.

This work covers a field that has received but little attention either in legal treatises or in works on political science. Since the entry of the United States into the arena of world politics, the treaty-making power has acquired a position of peculiar significance from both an economic and political point of view. We are beginning to appreciate the fact that, under a broad inter-

pretation of this power, the President and Senate are able to change the fiscal policy of the country, profoundly to influence the operation of our institutions and to reduce the House of Representatives to a subordinate position.

That Mr. Butler has not neglected any phase of the subject will be seen from an enumeration of the chapter headings: The nationality and sovereignty of the United States; the nationality and sovereignty of the United States as evidenced by acquisition of territory; the nationality and sovereignty of the United States as recognized by other sovereign powers; the treaty-making power as an attribute of sovereignty and as exercised by central governments of confederated powers; treaties and the treaty-making power of the United States as exercised prior to and under the Confederation; proceedings of the Constitutional Convention of 1787 relating to treaties and the treaty-making power of the Federal Government; proceedings of the constitutional conventions of the several States in so far as they relate to the treaty-making power of the national government; the treaty-making power as a factor in the great national debate of 1787-88 opinions of publicists, historians and expounders of the Constitution in regard to the extent and scope of the treaty-making power of the United States; the treaty-making power and the relations of both Houses of Congress thereto, as the same has been the subject of Congressional debate and action; judicial decisions affecting the treaty-making power of the United States, its extent and application; decisions of Federal courts in regard to the relative effect of treaty stipulations and Congressional action; treaties of cession involving change of sovereignty over the ceded territory and the effect thereof on laws, persons and property; the treaty-making power of the United States as it has been exercised with Indian tribes; certain specific instances in which treaty-making power has been exercised by the United States; limitations on the treaty-making power of the United States.

The distinctive merit of the method of treatment adopted by the author consists in bringing out with great clearness the influence of the treaty-making power on the public policy of the country. Although the main purpose is to present a picture of existing conditions, quite a definite impression of the merits and defects of our system is given. The difficulty of combining popular responsibility with continuity in policy is almost insurmountable, and has led to a movement to vest the treaty-making power exclusively in the President. But the prospect of any such change is exceedingly remote. It is likely, however, that in the near future we may witness some changes in the interpretation of the treaty-making power. A first and most important step in this direction has been made in the *Insular* cases. In *Downes vs. Bidwell* (182 U. S.), the Supreme Court of the United States held that the treaty-making power alone could not incorporate new territory into the United States. To effect this end, either a declaration of policy by the legislative organs of the government, or long-continued acquiescence amounting to a confirmation of treaty stipulations, is necessary. It was an attempt on the part of the court to reserve to the political organs of the government complete control over the legislative policy of the country. It is a matter of sincere congratulation that, in a work of such magnitude, there is so much

to be praised and so little to which exception can be taken. The author has evidently exhausted every important source of information, and brings an extraordinary wealth of citation in support of his conclusions. From the reading of the work it is evident that the manuscript was completed prior to the announcement of the Insular decisions. The attempt to bring the text into harmony with these cases has, in many places, broken the continuity of treatment, while in others the author has failed to take these decisions into full account.

The only other adverse comment to be made will be regarded by many, especially by law students, as one of the merits of the book—the inordinate amount of space given over to footnotes. This has been carried to a point which in many places completely obscures the text of the work itself. Judicious condensation of these notes would have reduced the bulk of the treatise by at least one-third.

Taken all in all, Mr. Butler's contribution to constitutional and international law is one of the most important of recent years. It marks the beginning and sets the standard for a series of much-needed works of reference on the foreign policy and diplomatic history of the United States.

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*Educated Working Women.* Essays on the Economic Position of Women Workers in the Middle Classes. By CLARA E. COLLET. Pp. 143. Price, 2 s. London: P. S. King & Son, 1902.

Under the title of *Educated Working Women*, Miss Collet has published in a convenient form six essays, some of which have already appeared in various economic journals. These essays are of special interest because of the writer's intelligent and practical point of view. So many sentimental articles are written by both men and women on the woman question that it is always refreshing to find a clear, concise and unprejudiced study of facts together with a fearless statement of actual obstacles. Miss Collet has confined her study to women of the middle class who are educated for their work in life, because their position is exceptional. The cost and reward of efficiency are the two factors with which the book deals. While the industrial limitations of English women are greater than those of American women, the book still contains many suggestions for the over-stocked teaching class of this country. The author deprecates the worship of brain-power, which is narrowed to a false idea of culture, the acquisition of useless knowledge, and the belief that, "because men in the commercial world have a knowledge which enables them to perform services for which others are willing to pay, they are necessarily uncultured and mercenary." Women are "socially, morally and economically" mistaken in competing with men where men are strongest. Miss Collet willingly asserts that men and women are different, and that women should compete with men, "not because they can do what men can, but because they can do what men cannot," and that there are many things which men are doing alone which could be done infinitely better if